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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,008	12/26/2001	Andres Palomo	22033-1-0010	2433
26135	7590	02/15/2007	EXAMINER	
LOTT & FRIEDLAND, P.A. P.O. BOX 141098 CORAL GABLES, FL 33114-1098			KOPPIKAR, VIVEK D	
			ART UNIT	PAPER NUMBER
			3626	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/036,008	PALOMO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vivek D. Koppikar	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 November 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 10, 12, 18-20, 22-24, 33, 35, 36, 42, 44-46, 54-62, 64-67, 71 and 72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 10, 12, 18-20, 22-24, 33, 35-36, 42, 44-46, 54-62, 64-67 and 71-72 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Status of the Application*

1. The pending claims have been examined in this application. This is a Final Office Action in response to the Amendment filed on November 16, 2006.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The pending claims are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 6,658,432 to Alavi in view of US Patent Number 6,912,549 to Rotter in further view of US Patent Application Publication Number 2003/0020765 to Kussmaul.

(A) As per claim 10, Alavi teaches a computer-implemented system for improving the efficiency of a medical service provider (Alavi: Abstract and Col. 1, Ln. 15-24) comprising:

a local computer operationally connected to a network of computers, wherein said local computer is used for data input and retrieval (Alavi: Col. 3, Ln. 14-26);

a relational database, wherein said relational database is operationally connected to said local computer and receives industry specific data input and requests for data from said local computer (Alavi: Col. 3, Ln. 27-46); (Note: The examiner takes the position that in Alavi the database will only receive data from computers that are authorized by its users and the users would not allow non-industry specific computers to access the

database for security purposes and therefore the data input is from industry specific sources).

a server computer wherein said server computer is operationally connected to said relational database and said local computer, wherein said server computer is capable of being accessed by multiple computers through said network (Alavi: Col. 3, Ln. 47-62); and,

application software designed for inclusionary data entry, data retrieval and report generation, wherein said report generation is accomplished by accessing said relational database and the inclusionary data stored thereon (Alavi: Col. 5, Ln. 9-32).

Alavi does not teach the following feature which is taught by Rotter in view of Kussmaul:

wherein the inclusionary data is generated by a patient examination (Rotter: Col. 6, Ln. 36-45) whereby said medical service provider selects data from menus to create a full accounting (record) of the patient visit and medical history. In Rotter the menus are menus of patient demographic records, current compliant data, findings or diagnosis, past history and past surgical history. (Rotter: Col. 6, Ln. 20-35 and Ln. 54-59). In Rotter the user (medical service provider) does not select data from a hierarchical menu. However, this feature is well known in the software application industry as illustrated by Kussmaul (Section [0035]). (Kussmaul teaches the concept of enabling a user to make a selection from a hierarchical menu). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the teachings of Rotter with the aforementioned teachings from Kussmaul with the motivation of having a means of

allowing a user to create a record using drop down menus as recited in Kussmaul (Section [0035]).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the teachings of Alavi with the aforementioned combined teachings of Rotter in view of Kussmaul with the motivation of having a means of allowing a user to create a record using drop down menus as recited in Kussmaul (Section [0035]).

(B) As per claim 12, in the combined teachings of Alavi in view of Rotter in view of Kussmaul the local computer is at any location which has http access to the world wide web (Alavi: Col. 6, Ln. 52-58).

(C) As per claims 18-19, these claims are rejected on the same basis as set forth in the Office Action mailed on May 16, 2006.

(D) Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alavi in view of Rotter in view of Kussmaul and in further view of US Patent Number 5,956,715 to Glasser.

Alavi in view of Rotter in view of Kussmaul does not teach the concept of hierarchical access control but this feature is taught by Glasser (Col. 2, Ln. 44-58 and Col. 3, Ln. 3-21). At the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the combined teachings of Alavi in view of Rotter in view of Kussmaul with the aforementioned teachings from Glasser with the motivation of having a means of access control for various resources in a computer network, as recited in Glasser (Col. 2, Ln.14-17).

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(E) As per claims 22-24 and 35, these claims are rejected on the same basis as set forth in the Office Action mailed on May 16, 2006.

(F) As per claims 33 and 54, this claim is substantially similar to claim 10 and is therefore rejected on the same basis as claim 10, as set forth above.

(G) As per claim 36, this claim is substantially similar to claim 12 and is therefore rejected on the same basis as claim 12, as set forth above.

(H) As per claim 42 and 62, this claim is substantially similar to claim 20 and is therefore rejected on the same basis as claim 20, as set forth above.

(I) As per claims 44-46, these claims are rejected on the same basis as set forth in the Office Action mailed on May 16, 2006.

(J) As per claims 55-61 and 64-66, these claims are rejected on the same basis as set forth in the Office Action mailed on May 16, 2006.

(K) As per claim 67, this claim recites the same features as claim 10 and is therefore rejected on the same basis as claim 10, as set forth above, however, this claim includes the feature restricting access to files according to pre-defined workflow constraints. This feature is not taught in Alavi in view of Rotter in view of Kussmaul, however it is well known in the software application industry as illustrated by US Patent Number 6,618,730 to Poulter (Abstract). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined teachings of Alavi in view of Rotter in view of Kussmaul with the aforementioned teachings from Poulter with the motivation of having a means of managing workflow, as recited in Poulter (Abstract).

(L) As per claims 71-72, these claims are rejected on the same basis as set forth in the Office Action mailed on May 16, 2006.

*Response to Arguments*

4. Applicant's arguments filed on November 16, 2006 with respect to the pending claims have been considered but are moot in view of the new grounds of rejection.

*Examiner's Suggestions*

5. The Examiner recommends that the applicants file a Request for Continued Examination (RCE) and amend the claims to claim a specific and more-detailed hierarchical structure for the menus in order to distinguish the claims over the applied references. The Examiner would like to note, however, that any amendment will be subjected to an updated prior art search.

*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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7. Any inquire concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. The fax telephone numbers for this group are either (571) 273-8300 or (703) 872-9326 (for official communications including After Final communications labeled "Box AF").

Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,

Vivek Koppikar

1/24/2007

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER